

REMARKS:

The claims pending in the subject patent application have been subjected to a restriction requirement under 35 U.S.C. §121. On January 20, 2006, Alvin T. Rockhill, the attorney for the applicants, provisionally elected to prosecute the invention of Group II which is directed to claims 10-17. In affirmation of this election, claims 1-9 and 18-20 which are directed to non-elected inventions have been canceled.

It was noted that the use of the trademarks PLIOLITE DF01®, DF02®, DF03®, VTACH®, VT® and ULTRA 200®, PLIOWAY®, PLIOFLEX®, PLEX®, RADIAGREEN®, DISPONIL FES®, CPR 7676® and 7755; KRATON® AND XPR035® in the specification should be capitalized and accompanied by the generic terminology. The specification has been appropriately amended.

Claims 14-15 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This basis of rejection has been rendered moot by canceling claims 14 and 15.

Claims 10-16 have been rejected under 35 U.S.C. §102(b) as being anticipated by the teachings of United States Patent 6,051,562 to Chamberlain et al. This rejection was discussed by Alvin T. Rockhill, the Attorney for the Applicants, and Examiner John J. Figueroa, during an interview on April 26, 2006. During the interview it was agreed that claim 10 would be amended to be further distinguished from the teachings of Chamberlain. More specifically, it was agreed that claim 10 would be amended to call for (1) the oil soluble polymer fluid loss control agent to contain up to a maximum of 50 percent water, based on the weight of the control agent; (2) the emulsifier to be present at a level which is within the range of 3 percent to 30 percent, based upon the weight of the control agent; and (3) the polymer to be prepared from monomers selected from the group consisting of styrene, substituted styrene, alkyl acrylate, substituted alkyl acrylate, alkyl methacrylate, substituted alkyl methacrylate, acrylonitrile, methacrylonitrile, acrylamide, methacrylamide, N-alkylacrylamide, N-alkylmethacrylamide, isoprene, butadiene, ethylene, vinyl acetate, and vinyl esters of versatic acids containing from 9 to 19 carbon atoms.

During the interview it was pointed out that the teachings of Chamberlain are directed to oil in water emulsions having a continuous aqueous phase and a discontinuous oil phase (see the Abstract of Chamberlain). This is in contrast to the oil soluble polymer fluid

loss control agent now being claimed that contains a maximum of 50 percent water, based on the weight of the control agent. The compositions described by Chamberlain are described as being useful in the formulation of chlorpyrifos or other agrochemicals as an oil-in-water emulsion that is easily dilutable with water to form a sprayable composition that has a high concentration of the chlorpyrifos or the other agrochemical (see column 12, lines 49-56). This is again is sharp contrast to the oil soluble polymer fluid loss control agent now being claimed which is comprised of polymer, oil, and emulsifier and optionally only up to 50 percent water.

The oil soluble polymer fluid loss control agent now being claimed can also be contrasted to the oil-in-water emulsion described by Chamberlain in that it contains a much higher level of emulsifier. More specifically, claim 10 as amended calls for the emulsifier to be present in the oil soluble polymer fluid loss control agent at a level which is within the range of 3 percent to 30 percent. This is again in contrast to the teachings of Chamberlain which call for the total amount of the non-polymeric surfactant and emulsifiers to be below 2 percent, to generally be below 1 percent, and to preferably be below 0.5 percent (see column 11, lines 14-17).

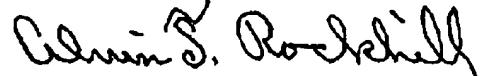
Claim 10 has also been amended to call for the polymer to be prepared from a monomer selected from the group consisting of styrene, substituted styrene, alkyl acrylate, substituted alkyl acrylate, alkyl methacrylate, substituted alkyl methacrylate, acrylonitrile, methacrylonitrile, acrylamide, methacrylamide, N-alkylacrylamide, N-alkylmethacrylamide, isoprene, butadiene, ethylene, vinyl acetate, and vinyl esters of versatic acids containing from 9 to 19 carbon atoms. This amendment is supported by originally filed claim 8 and at page 7, line 29 to page 8, line 4 of the specification.

During the interview on April 26, 2006, Examiner Figueroa indicated that he believed that the amendments made to claim 10 would overcome the rejections made over the teachings of the prior art references pending a further review of the prior art and an updated prior art search.¹ It is accordingly believed that the claims now pending in the subject patent

¹ Claim 17 was rejected under 35 U.S.C. §103(a) as being unpatentable over Chamberlain in view of United States Patent 3,002,923 to Barker et al. The Examiner has noted that Barker discloses the use of a fatty acid amide of glucamine or esters thereof as the oil-soluble emulsifier component of an oil-based emulsion. However, claim 17 is not rendered obvious over the teachings of Chamberlain in view of Barker by virtue of being dependent upon claim 10 which is allowable over the prior art of record.

application are in a condition for allowance and such an allowance is respectfully requested.

Respectfully submitted,



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